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# **FREDERICK COUNTY PLANNING COMMISSION**

## **July 14th, 2021**

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**TITLE:** **Remax Urbana**

**FILE NUMBER:** **SP12-03 AP SP261745 A261751 F261746**

**REQUEST:** **Site Development Plan Approval**

The Applicant is requesting Site Development Plan approval for a 5,180 sq. ft. addition to an existing 3,200 sq. ft. professional office building located on a 0.47-acre Site.

**PROJECT INFORMATION:**

**ADDRESS/LOCATION:** 3527 Urbana Pike, approximately 1,200 ft. west of Sugarloaf Parkway  
**TAX MAP/PARCEL:** Tax Map 96, Parcel 118  
**COMP. PLAN:** VC – Village Center  
**ZONING:** VC – Village Center  
**PLANNING REGION:** Urbana  
**WATER/SEWER:** W-4/S-4

**APPLICANT/REPRESENTATIVES:**

**APPLICANT:** PAK Holdings LLC  
**OWNER:** Paul Katrivanos  
**ENGINEER:** Harris, Smariga & Associates, Inc.  
**ARCHITECT:** Archive Design Services, Inc.  
**ATTORNEY:** Not Listed

**STAFF:** Ashley M. Moore, Principal Planner

**RECOMMENDATION:** **Conditional Approval**

**Enclosures:**

Exhibit #1 – Site Plan Renderings  
Exhibit #2 – Exterior Renderings  
Exhibit #3 – Office Use Letter  
Exhibit #4 – Church/Remax Sidewalk Letter  
Exhibit #5 – Modification Letter

# STAFF REPORT

## ISSUE

### Development Request

The Applicant is requesting Site Development Plan approval for a 5,180 sq. ft. addition to an existing 3,200 sq. ft. professional office building located on a 0.47-acre Site. The proposed use being reviewed is **“Professional Office”** under the heading of **Commercial Business and Personal Services** per § 1-19-5.310 of the Zoning Ordinance. The proposed use is a principal permitted use subject to Site Development Plan approval.

## BACKGROUND

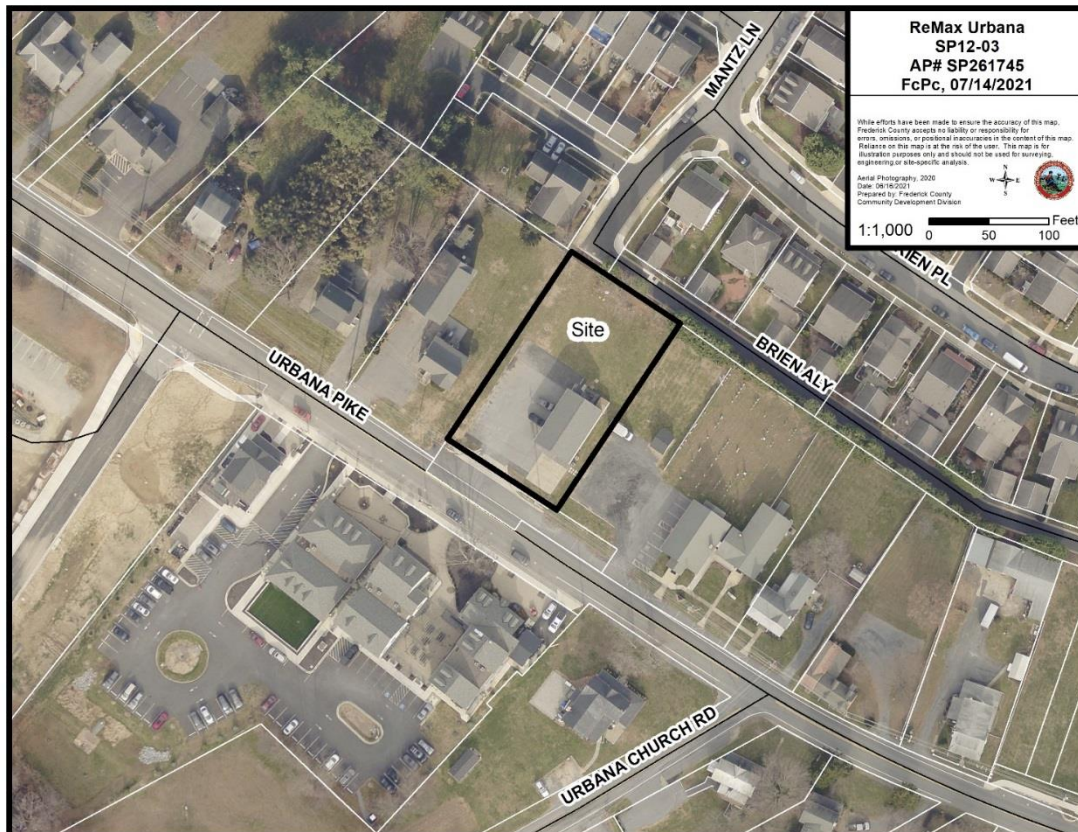
### Development History

The Site was originally zoned R-2 Urban Residence District from 1959 to 1977. The 1977 zoning maps indicate the property was rezoned to VC – Village Center District and has remained VC through today. The structure at 3527 Urbana Pike is currently being used as a professional office building. The Site received Type II Site Development Plan approval in 2012 to construct an additional story to the previously 1 story building. The building is currently two stories. See Graphic #1 below.

As required by Zoning Ordinance §1-19-7.500(D), Site Development Plan proposals in the VC Zoning District are required to submit plans to the Planning Commission for Concept Plan Approval. The Concept Site Development Plan was conditionally approved by the Frederick County Planning Commission at their January 13, 2021 meeting. The conditions of approval were the following:

1. Address all agency comments as the plan proceeds through the review process.
2. Site Development Plan approval is required prior to development of the Professional Office building.
3. The FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.
4. The Applicant explore the parking, the footprint of the building, and the location of the street trees on the Site Development Plan.

Graphic #1: Aerial



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The intent of the application is to expand the existing two-story structure by constructing a 5,180 sq. ft. two story addition (a combined total for both the front and rear additions to the existing building). The result will be a two-story building with a footprint of 4,190 sq. ft. and 8,380 sq. ft. of total professional office space.

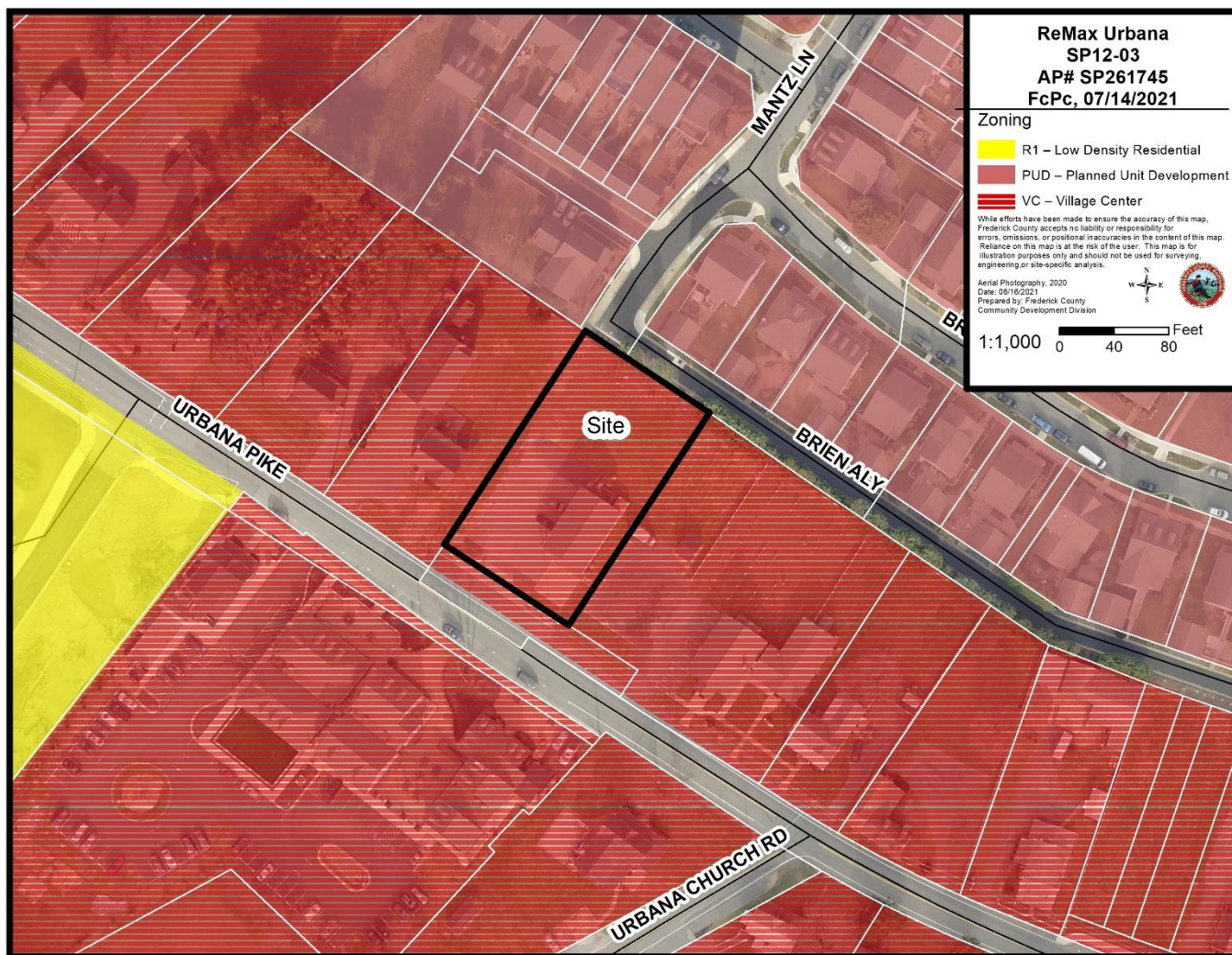
The adjoining parcel (Urbana One) to the west received site plan approval on October 9, 2019. Both projects are proposed to be working together in terms of shared parking and pedestrian connections.

### Existing Site Characteristics

The Site is currently occupied by the existing commercial building, a paved parking area for approximately 20 vehicles, a single driveway access onto Urbana Pike, and a line of evergreen trees along the northern property boundary.

The Site is zoned VC - Village Center with a County Comprehensive Plan land use designation of Village Center. Surrounding land uses include: The Villages of Urbana, to the north (zoned PUD), an approved professional and medical office development to the west (zoned VC), Casabella Commons (mixed use development zoned VC) to the south of the Site. There are also single-family residential uses along Urbana Pike (zoned VC), the Urbana Elementary School (zoned R1), and non-residential uses including church and office uses (zoned VC) east and west of the Site. See Graphic #2 below.

Graphic #2: Zoning



## **ANALYSIS**

### **Detailed Analysis of Development Standards Findings and Conclusions**

#### ***Design Standards §1-19-7.500(C)(1):***

*All new development within the Village Center Zoning District shall incorporate the following design standards in addition to all other applicable requirements of the Zoning Ordinance. New development will use existing development as a guide when determining site development, layout, bulk, and form of proposed structures within the Village Center District. New development should be designed and built to reflect existing neighborhood characteristics including shape, height, massing, roof shapes, and door and window placement and proportions.*

### **Findings and Conclusions**

#### **Site Development and Layout §1-19-7.500 (C)(3):**

- Staff finds that the proposed orientation of the building allows for entrances facing the pedestrian path. The orientation mirrors neighboring Urbana One entrances.
- A faux door and residential lighting facing Urbana Pike maintain the appearance of a primary entrance along Urbana Pike and adjacent common areas.
- The proposed side and rear locations of the parking and the request for shared parking is consistent with the VC District guidelines.
- The pedestrian pathway from Mantz Lane (from the Woodlands at Urbana) runs through the Site to promote connection to businesses and residences along Urbana Pike.
- The Applicant notes that the refuse and recycling will be handled by a private hauler and will not be stored outside.

#### **Building Massing and Bulk §1-19-7.500 (C)(4):**

- Staff finds the proposed structure is generally consistent with the overall form of surrounding buildings and mirrors the “L” shaped form of Urbana One.
- The use of the gable roof, the roof overhangs, and pedestrian scaled features such as covered entries and residentially-scaled doors and windows are elements similar to those found on many older homes in Urbana’s VC District.
- Staff finds that the building does not include flat roofs, large undifferentiated facades or long plain wall sections. Architectural bump-outs/projections, roof variation, and landscaping were provided to add aesthetically pleasing details to the east facing façade.
- Staff finds that the proposed 4,190 sq. ft. footprint is similar to new and redeveloped buildings located along Urbana Pike and does not exceed the base footprint allowance of 5,000 sq. ft. for a non-residential use.

### **Detailed Analysis of Findings and Conclusions**

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County Zoning Ordinance.

**Site Development §1-19-3.300.4 (A):** *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

### **Findings/Conclusions**

1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** Dimensional standards for projects in the VC District are established during the Concept Plan review and approval. Using the setback and height averaging criteria described in the VC District, the following dimensional requirements

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were determined:

Front Yard: 25 ft.      Side Yard: 4.7 ft. (5 ft. with architectural projection)      Rear Yard: 41 ft.

The Applicant proposed a building height not to exceed 30 ft. (approximately 28 ft. provided for the existing building) and is no more than 2 stories. The dimensional standards remain the same as the approved Concept Site Development Plan approved by the Planning Commission January 13, 2021.

2. **Signage §1-19-6.320:** The Applicant is proposing both building mounted and freestanding signage. The signage equation per the code is  $(10)(\sqrt{F})$ , where F equals the linear feet of the side of the building on which the primary entrance is located. Here,  $F = 121$  feet. Therefore, the total allowable square footage signage is  $(10)(\sqrt{121})$ , or 110 sq. ft. A total of 30 sq. ft. is being proposed for all signage. The proposed monument sign will be 10 sq. ft. and will be 3'-6" in height as shown on Sheet 1 of the Site Plan. The building mounted sign is proposed on the west side of the building and is 20 sq. ft. All signage meets the zoning requirements.

3. **Landscaping §1-19-6.400:**

- **Street Trees §1-19-6.400(A):** The code requires 1 street tree per 35 linear feet of road frontage, therefore requiring 3 street trees ( $109 / 35 = 3.11$ ) along Urbana Pike. The Applicant is proposing 3 street trees along Urbana Pike. The street trees are proposed to be Eastern Redbud, which is not a typical street tree. The Applicant is proposing the smaller tree species due to the low-lying power lines in a similar manner to Urbana One.

**Modification:** A landscape modification to use Eastern Redbud as a street tree.

During the Concept Plan recommendation, the Planning Commission asked the Applicant to review the location of the street trees along Urbana Pike. Staff worked with the Applicant to provide only the 3 street trees required. This will be the same amount of street trees provided along the property line in front of Urbana One.

- **Land Use Buffering and Screening §1-19-6.400(B):** There are existing and proposed trees on the northern boundary of the property to buffer and screen the development from neighboring properties. Additional landscape screening is provided along the eastern property line to visually break up the long façade of the building.
  - **Parking Area Buffering and Screening §1-19-6.400(C):** The parking area is mostly shielded by shrubs facing Mantz Lane or the Remax building. Minor shrubs will be planted along Urbana Pike to help break up the parking lot frontage. The pedestrian path straddles the property line, which prevents additional shrubs to shield the parking on the Remax Site.
  - **Parking Area Landscaping §1-19-6.400(D):** The Applicant is required to provide 20% canopy over the parking area, or 1,718 sq. ft. The Applicant is proposing 1,808 sq. ft. or 21% of tree canopy over the parking area. The Applicant is also displaying that Urbana One and the Remax Site meet the landscaping requirement independently of each other.
  - **Landscaping, Screening, or Buffering §1-19-6.400(E):** All landscape material must be maintained in a living condition. The proposed Site plan emphasizes native species and no invasive/exotic species are specified.
4. **Lighting §1-19-6.500:** There will be architectural mounted lighting near every entrance. The fixtures are proposed safety lighting, which is exempt from the requirements in this section of the zoning ordinance. Note 8 on the plan states the lighting will not create glare into streets or adjacent

property of the nighttime sky and will not exceed 0.5 footcandles as measured at the property lines.

**Transportation and Parking §1-19-3.300.4 (B):** *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

### **Findings/Conclusions**

1. **Access/Circulation:** The existing parking lot will be expanded and connected to the Urbana One property. Each property will have direct access to Urbana Pike.
2. **Connectivity §1-19-6.220(F):** There will be parking lot connection between the Urbana One property and the Remax Site. The two developments will be connected by a drive aisle and a pedestrian path under a shared parking agreement.
3. **Public Transit:** This Site is not directly served by Transit. However, the Site is less than ½ mile from the Urbana Park and Ride lot, which provides weekday service with the Shady Grove Metro station and North Bethesda.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:**  
An office use is required to provide 1 space per 300 sq. ft. of Gross Floor Area (GFA); therefore 8,380 sq. ft. requires 28 spaces. The Applicant is proposing 26 parking spaces on their property. Ten parking spaces will be shared with Urbana One, which needed these spaces to meet their parking requirement. Sixteen (16) spaces remain solely for the Remax Site. This leaves Remax with a shortage of 12 spaces. The Applicant provided a letter explaining the amount of employee and client usage (see Exhibit #3).

**Modification:** A parking modification to utilize a combination of off-street, shared, and on-street parking.

During the Concept Plan recommendation, the Planning Commission asked the Applicant to look into the size of the building in relation to the amount of parking that will be required. The Applicant indicates and continues to show the size of the building and on-site parking spaces have not changed from the Concept Plan. The Applicant plans to utilize 16 on-street parking spaces to cover the 12-space shortfall. The maximum total of spaces permitted to be located off-site for shared parking is 14 spaces (50% of the required total). Four (4) spaces are shown in front of the Remax, 8 spaces are shown in front of Casabella Commons, and 4 spaces are shown in front of the property of the church.

Staff does not support the use of the on-street spaces in front of Casabella Commons. These spaces were counted towards Casabella Commons parking requirement. The parking would be double counted. Casabella Commons was approved with a modification to provide 88 spaces of the required 91 spaces. Of those 88 spaces, 26 spaces are located off-site (a combination of on-street and an agreement with another property).

The on-street parking in front of the church is not specifically assigned to the church or any development.

Without the on-street parking in front of Casabella Commons, the project would be 4 spaces short of meeting the parking requirement. While the Applicant's letter argues that the current occupancy requires minimal parking, the Planning Commission should consider the fact that, if approved, any future occupancy of this building by other professional office users would not be required to provide an amended site plan

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to reevaluate parking. Staff recommends that the Planning Commission evaluate the parking based on a generic professional office use and not base a decision on the current operations of the current occupant.

Loading Spaces:

An office use over 5,000 sq. ft. requires 1 large or 2 small loading spaces. The Applicant is requesting a modification to allow 1 small loading space for the Remax in addition to utilizing Urbana One's small loading space.

**Modification:** A loading modification to provide one small loading space.

5. **Pedestrian Circulation and Safety §1-19-6.220 (G):** There are pedestrian connections proposed from Mantz Lane that will lead to Urbana Pike. The pedestrian path straddles both Urbana One and the Remax Site. The connection allows for pedestrian traffic from the Villages of Urbana to Urbana Elementary School, Casabella Commons and other businesses along Urbana Pike. Sidewalks across the Urbana Pike frontage are also proposed and will provide further connection to the pedestrian network and safe passage to on-street parking.

**Condition:** The crosswalk and sidewalk connecting Mantz Lane to Urbana Pike to be constructed by Remax prior to Use and Occupancy (if not completed by Urbana One first).

6. **Bicycle Parking §1-19-6.220 (H):** The Applicant has provided a location for bicycle parking that appears to be sufficient and in accordance with the zoning ordinance. An office use requires 1 bicycle rack per 40,000 sq. ft. of GFA. Therefore, 1 bicycle rack is required. The Applicant is proposing 1 bicycle rack located by the stairs.

**Public Utilities §1-19-3.300.4 (C):** *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

**Findings/Conclusions**

**Private Well and Septic:** The Site is currently classified W-4/S-4 in the Water and Sewerage Plan and is served by a private well and septic system that will be abandoned.

**Natural features §1-19-3.300.4 (D):** *Natural features of the Site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

**Findings/Conclusions**

1. **Topography:** The Site is relatively flat.
2. **Vegetation:** There is an existing tree line located at the northeastern boundary of the Site.
3. **Sensitive Resources:** There are no sensitive slopes or habitats of threatened or endangered species on this Site.
4. **Natural Hazards:** There are no floodplains, wetlands, or wet soils indicated on the Site.

**Common Areas §1-19-3.300.4 (E):** *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

### **Findings/Conclusions**

1. **Proposed Common Area:** There are no required public common areas for a single use in this development. However, the Applicant is proposing 3,892 sq. ft. of open space and plaza area.
2. **Ownership:** The Site is privately owned by Pak Holdings, LLC.

### **Other Applicable Regulations**

**Stormwater Management – Chapter 1-15.2:** The Stormwater Management Plan and other engineering issues will be reviewed with future plans in accordance with Maryland Stormwater Management Act of 2007.

### **APFO – Chapter 1-20:**

**Road Improvements:** The project generates less than 6 trips during the peak hour of the adjacent street and is therefore exempt from contribution to existing area road escrow accounts. (§1-20-12(H)). The proposed development was evaluated as a general office building (ITE 710) taking into consideration the proposed use, number of new employees, and occupied space.

**Water and Sewer Improvements:** Site Water and Sewer Classification is W-4/S-4.

**Schools:** This is a non-residential use and is exempt from APFO testing.

**Forest Resource – Chapter 1-21:** The Applicant has submitted a Combined Preliminary/Final Forest Conservation Plan (AP #19348) which included the Urbana One property and the subject property. This FRO plan has been approved. FRO will be mitigated through the purchase of banking credits. FRO mitigation must be provided prior to applying for grading or building permits, whichever is applied for first.

**Historic Preservation – Chapter 1-23:** There are no historic buildings on the Site.



## Summary of Agency Comments

<b><i>Other Agency or Ordinance Requirements</i></b>	<b><i>Comment</i></b>
<b><i>Public Works Development Review</i></b>	Approved
<b><i>Development Review Planning:</i></b>	Approved
<b><i>Div. of Utilities and Solid Waste Mgmt. (DUSWM):</i></b>	Approved
<b><i>Health Department</i></b>	Approved
<b><i>Office of Life Safety</i></b>	Approved
<b><i>Development Review Transportation Engineering</i></b>	Approved
<b><i>Forest Conservation (FRO)</i></b>	Approved
<b><i>Adequate Public Facilities (APFO)</i></b>	Approved
<b><i>Street Name Review</i></b>	Approved

## **RECOMMENDATION**

Staff has no objection to conditional approval of the Remax Urbana Site Development Plan except for the use of the on-street spaces in front of Casabella Commons. If the Planning Commission conditionally approves the Site Development Plan, the Site plan is valid for a period of three (3) years from the date of Planning Commission approval (July 14, 2024).

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

### **Planning Commission approval of the following modification request from the Applicant:**

1. A landscape modification to use Eastern Redbud as a street tree.
2. A parking modification for a 12-parking space shortfall or granting approval for the use of off-street parking.
3. A loading modification to provide one small loading space.

### **Staff-proposed conditions of approval:**

1. The Applicant shall comply with all Staff and agency comments through the completion of the plan.
2. The Applicant shall pay the FRO fee-in-lieu payment prior to applying for grading or building permits, whichever comes first.
3. The crosswalk and sidewalk connecting Mantz Lane to Urbana Pike to be constructed by Remax prior to Use and Occupancy (if not first completed by Urbana One).

## **PLANNING COMMISSION ACTION**

### **MOTION TO CONDITIONALLY APPROVE**

I move that the Planning Commission **CONDITIONALLY APPROVE** Site Development Plan SP-12-03, AP SP261745 (A261751 and F261746) **with conditions and modifications** as listed in the staff report for the proposed Site plan, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

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# Exhibit #1 – Site Plan Renderings





Exhibit #2 – Exterior Renderings









3527 Urbana Pike  
Frederick, MD 21704  
Phone: (301) 874-5050  
Fax: (240) 699-0141

To Whom it May Concern,

Re/Max Plus has 2 full time employees from the hours of 8am to 5pm Monday through Friday. There are 30 Agents licensed with Re/Max Plus. The agents are independent contractors and most work remotely; on average maybe 10 come into the office per week. If you need anything additional, please contact me at 301-874-5050.

Thank you,

A handwritten signature in black ink, appearing to read 'Paul Katrivanos', written over a horizontal line.

Paul Katrivanos  
Broker/Owner





10 S Market St  
Frederick, MD 21701

3527 Urbana Pike  
Urbana, MD 21704

11670 Old National Pike  
New Market, MD 21774

Phone: (301) 874-5050  
Fax: (301) 560-6521

To Whom It May Concern:

We, Wesley Chapel United Methodist Church, agree to the construction of a public use sidewalk across a portion of our property along Urbana pike from our driveway north to the Re/Max Plus property line at 3527 Urbana Pike. In addition, the to the sidewalk we also agree to the extension of curb and gutter along Urbana Pike from 3527 Urbana Pike to our adjacent driveway and understand the existing parallel parking spaces along Urbana Pike adjacent to the church will be restriped to meet the Frederick County parking specifications. All costs for the design and construction and snow removal of the sidewalk , curb and gutter and parking space restriping are to be paid by Re/Max Plus and there will be no cost to the church.

Thank you,

  
Scott Lawrence, Trustee Chair

 05/26/2021  
Paul Katrivanos, Owner/Broker  
cell. 240-604-3000

[www.remax-plusrealtors.com](http://www.remax-plusrealtors.com)

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125 S. CARROLL STREET  
SUITE 100  
FREDERICK  
MARYLAND 21701

P. 301.662.4488  
F. 301.662.4906  
www.harrissmariga.com

June 18, 2021

Ashley Moore  
Principal Planner  
Division of Planning and Permitting  
30 North Market Street  
Frederick, MD 21701

Re: Urbana Remax- Street Tree Modification, Loading Modification, Parking Modification  
SP12-03 Hansen #SP261745  
HAS Job #7589-0PAUL

Dear Ashley,

As permitted by the Zoning Ordinance and on behalf of the owner of the property, we request the following modifications for the Urbana Remax Site Plan:

**STREET TREES:**

Per Section 1-19-6.400(A)(2)(c) the Planning Commission may approve an alternate tree species for street trees. The proposed Eastern Redbud are not a typical street tree. The site has an overhead powerline running along the entirety of its street frontage along Urbana Pike. In order to maximize the survivability of the tree and prevent conflicts with the overhead wires we have planted three Eastern Redbud trees to meet the required street tree plantings for our site. While the trees are not large shade trees they will still provide canopy and habitat while working within the site's physical constraints. The redbuds or other similar small trees (Shadblow, Dogwood) have typically been permitted under the powerline subject to Potomac Edison Approval. A larger more typical tree species would not be permitted by Potomac Edison and if planted would be removed due to future conflicts with the powerlines.

**LOADING SPACES:**

We are requesting a loading space modification as allowed in Section 1-19-6.210 (D) of the Frederick County Zoning Ordinance. Per the ordinance the site, based on the total proposed square footage of 8,380 square feet, is required to have 1 large or 2 small loading spaces. Large loading spaces are not needed for the office use proposed on the site. The owner does not anticipate any uses that would require two small loading spaces and deliveries can be scheduled in a manner that would only require 1 small loading space. The reduction in loading spaces and their size would reduce the amount of imperviousness onsite which is a design standard in the County's Village Center Zoning District Design Guide.

Ashley Moore  
Frederick County Planning  
Urbana Remax  
HSA Job No. 7589-0PAUL  
AP#SP261745  
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**PARKING SPACES:**

Per the County's 2012 Village Center Zoning District Design Guide shared parking is strongly encouraged. The Planning Commission may reduce the minimum parking requirements where the applicant can demonstrate the need for fewer parking spaces due to availability of on-street parking, joint parking, community/shared parking as otherwise provided under Section 1-19.6.240. Our site proposes both shared parking and on-street parking spaces to meet the required parking spaces. As summarized on the site plan the shared parking area meets all the requirements listed in Section 1-19.6.240 and uses the existing surplus pavement and existing parallel parking spaces along Urbana Pike reduce site imperviousness. This utilization of existing spaces encourages the provision of public and community spaces through common parking arrangements. To facilitate the safe use of these existing parallel on street spaces the curb and gutter and sidewalk will be extended to the adjacent Urbana Methodist Church driveway. Furthermore, the existing pavement striping for these spaces will be brought up to the Zoning Ordinance dimensional requirements.

Based on these conditions, we request that the Planning Commission approve these modifications as described above.

Sincerely,

A handwritten signature in black ink, appearing to read "Sam F. Zeller", written in a cursive style.

Samuel F. Zeller  
Vice President